

## Message Text

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ACTION ARA-15

INFO OCT-01 ISO-00 ONY-00 SS-15 /031 W  
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FM AMEMBASSY BOGOTA  
TO SECSTATE WASHDC PRIORITY 9988

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FOR: ARA ONLY

E.O. 11652: N/A  
TAGS: SHUM, CO  
SUBJECT: HUMAN RIGHTS: EVALUATION OF HUMAN RIGHTS  
SITUATION IN COLOMBIA

REF: STATE 215083

1. SUMMARY: COLOMBIA IS A FUNCTIONING DEMOCRACY, WHOSE CONSTITUTION GUARANTEES A WIDE RANGE OF CIVIL AND POLITICAL LIBERTIES. ITS MILITARY FORCES ARE AMONG THE LEAST ACTIVE POLITICALLY IN LATIN AMERICA. THE INTERNAL SECURITY PROBLEM IS SERIOUS, WITH 2,000 GUERRILLAS OPERATING IN THE COUNTRYSIDE AND CRIMINAL ACTIVITY AT A HIGH LEVEL. DESPITE THIS PROBLEM, HOWEVER, CONSTITUTIONAL RIGHTS RELATED TO THE INTEGRITY OF THE PERSON ARE GENERALLY RESPECTED. THE GOC'S DEVELOPMENT POLICIES INCLUDE THE IMPLEMENTATION OF SOCIAL PROJECTS AIMED AT IMPROVING THE LIVING STANDARDS OF THE POOREST 50 PERCENT OF THE POPULATION. SUCH CIVIL AND POLITICAL LIBERTIES AS FREEDOM OF SPEECH, PEACEFUL ASSEMBLY, RELIGIOUS BELIEF AND THE PRESS ARE CONSTITUTIONALLY GUARANTEED. TRAVEL CONTROLS ARE LIMITED. ALL COLOMBIAN CITIZENS OVER 21 YEARS OF AGE HAVE THE RIGHT TO VOTE AND TO HOLD PUBLIC OFFICE. THE GOC FAVORS THE INVESTIGATIONS OF HUMAN RIGHTS, BUT ITS PUBLIC ATTITUDE IS LIMITED OFFICIAL USE

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INFLUENCED BY CONSIDERATIONS OF LATIN AMERICAN SOLIDARITY AND ECONOMIC INTEREST.

2. SETTING: COLOMBIA IS A FUNCTIONING DEMOCRACY, WHICH HAS BEEN GOVERNED BY FREELY ELECTED GOVERNMENTS FOR ALL BUT FIVE YEARS OF THE PRESENT CENTURY. THE CONSTITUTION OF 1886, AS AMENDED, PROVIDES THE BASIS FOR THE PRESENT

GOVERNMENTAL SYSTEM; INTER ALIA, IT DEFINES COLOMBIA AS A UNITARY REPUBLIC WHOSE NATIONAL GOVERNMENT IS DIVIDED INTO EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES AND GUARANTEES A WIDE RANGE OF CIVIL AND POLITICAL LIBERTIES. TWO POLITICAL PARTIES, LIBERAL AND CONSERVATIVE, HAVE DOMINATED THE POLITICAL SCENE SINCE AT LEAST 1850; FROM 1958 TO 1974, UNDER THE SO-CALLED NATIONAL FRONT ARRANGEMENT, THE TWO ALTERNATED IN POWER. THE PRESENT CHIEF EXECUTIVE, JULIO CESAR TURBAY, IS A LIBERAL, AS WAS HIS PREDECESSOR. THIRD PARTIES HAVE PLAYED ONLY A MINOR ROLE IN RECENT YEARS, EXCEPT IN THE ELECTION OF 1970, WHEN THE CANDIDATE OF THE NATIONAL POPULAR ALLIANCE VERY NEARLY WON THE PRESIDENCY. COLOMBIA'S MILITARY FORCES ARE AMONG THE LEAST ACTIVE POLITICALLY IN LATIN AMERICA; THE TWO MILITARY COUPS CARRIED OUT IN THIS CENTURY BOTH TOOK PLACE IN HIGHLY UNUSUAL CIRCUMSTANCES. COLOMBIA HAS A SERIOUS INTERNAL SECURITY PROBLEM; SOME 2,000 GUERRILLAS ARE ACTIVE IN THE COUNTRYSIDE AND STREET CRIME, BURGLARY AND KIDNAPPING HAVE REACHED EPIDEMIC PROPORTIONS. THE ONLY ISSUE OF ANY IMPORTANCE IN U.S.-COLOMBIAN RELATIONS IS TRAFFICKING IN COCAINE AND MARIHUANA (THE FORMER DRUG IS PROCESSED IN AND SHIPPED FROM COLOMBIA, THE LATTER IS GROWN HERE). WHILE THE GOC HAS BEEN GENERALLY COOPERATIVE IN THE FIGHT ON TRAFFICKING AND PRESIDENT TURBAY HAS VOWED TO MAKE THE FIGHT A "CRUSADE", THE PROBLEM NEVERTHELESS REMAINS AND THERE LIMITED OFFICIAL USE

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IS CONSIDERABLE CONCERN LOCALLY OVER THE CORRUPTING EFFECT OF THE LARGE SUMS OF MONEY DERIVED FROM DRUGS.

3. RESPECT FOR THE INTEGRITY OF THE PERSON: THE CONSTITUTION GUARANTEES DUE PROCESS OF LAW; SPECIFIES THAT NO ONE CAN BE COMPELLED TO TESTIFY AGAINST HIMSELF OR MEMBERS OF HIS FAMILY OR BE HELD FOR MORE THAN 10 DAYS WITHOUT BEING BROUGHT TO TRIALS; AND PROHIBITS CAPITAL PUNISHMENT AND THE ENACTMENT OF EX POST FACTO LEGISLATION. IT ALSO STATES THAT, IF AN OFFICIAL (OTHER THAN A MEMBER OF THE ARMED FORCES) VIOLATES A PROVISION OF THE CONSTITUTION TO THE DETRIMENT OF AN INDIVIDUAL, HE MAY NOT DISCLAIM RESPONSIBILITY ON THE BASIS THAT HE WAS CARRYING OUT THE ORDER OF A SUPERIOR. ACCORDING TO THE CONSTITUTION, MOREOVER, A LEGAL ORDER IS REQUIRED BEFORE THE AUTHORITIES MAY ENTER A PRIVATE HOME, EXCEPT IN CASE OF THE HOT PURSUIT OF A CRIMINAL CAUGHT IN THE ACT WHO TAKES REFUGE IN HIS OWN HOUSE. DESPITE THE COUNTRY'S SERIOUS INTERNAL SECURITY PROBLEM, THESE CONSTITUTIONAL RIGHTS ARE GENERALLY RESPECTED. HOWEVER, UNDER THE STATE OF SIEGE, THOSE ACCUSED OF CERTAIN CRIMES MAY BE HELD FOR UP TO 90 DAYS AND, OWING TO THE

INEFFICIENT OPERATION OF THE JUDICIAL SYSTEM, MANY NEVER COME TO TRIAL AT ALL BUT ARE SIMPLY RELEASED AFTER BEING HELD FOR EXTENDED PERIODS. WHILE THE MILITARY AND POLICE ARE OCCASIONALLY ACCUSED OF TORTURING OR MALTREATING PRISONERS, IT SEEMS CLEAR THAT THE GOC DOES NOT CONDONE SUCH PRACTICES. INCIDENTS INVOLVING THE POLICE ARE INVESTIGATED BY THE OFFICE OF THE ATTORNEY GENERAL (PROCURADOR GENERAL). DEPENDING ON THE LATTER'S FINDINGS, THE ACCUSED MAY BE DISMISSED AND/OR TRIED ON COMMON CRIMINAL CHARGES. IN SOME CASES, TOO, INTERNAL POLICE INVESTIGATIONS HAVE RESULTED IN ACCUSED OFFICERS BEING SUMMARILY DISMISSED FROM THE FORCE.

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4. GOVERNMENTAL POLICIES RELATING TO SOCIAL AND ECONOMIC NEEDS: THE GOC'S SECTORAL DEVELOPMENT POLICIES STRESS THE NEED TO PROVIDE ADEQUATE ECONOMIC INFRASTRUCTURE FOR RAPID GROWTH OF INDUSTRIAL AND AGRICULTURAL OUTPUT, WHILE AT THE SAME TIME IMPLEMENTING SOCIAL PROJECTS AIMED AT IMPROVING THE LIVING STANDARDS OF THE POOREST 50 PERCENT OF THE POPULATION. TO IMPROVE LIVING STANDARDS, THE GOVERNMENT IS INCREASING ACCESS TO QUALITY EDUCATION AND HEALTH SERVICES THROUGH PROJECTS IN RURAL AND URBAN DEVELOPMENT AND IN NUTRITION. IN EDUCATION, THE GOALS ARE TO PROVIDE UNIVERSAL PRIMARY EDUCATION BY 1979 AND TO STRENGTHEN VOCATIONAL TRAINING IN ORDER TO ENHANCE EMPLOYMENT AND PRODUCTIVITY GAINS AMONG LOW-INCOME GROUPS. IN THE FIELD OF HEALTH, THE GOVERNMENT IS ESTABLISHING A STRUCTURED DECENTRALIZED SYSTEM WITH APPROPRIATE MEDICAL SERVICES AT EACH LEVEL. THE GOVERNMENT IS ALSO EXPANDING THE SCOPE OF SANITATION FACILITIES IN RURAL AND URBAN AREAS, INSTITUTING NUTRITION EDUCATION

AND IMPLEMENTING A PROGRAM OF SUBSIDIZED ENRICHED FOODS FOR VULNERABLE GROUPS AMONG THE POOREST 30 PERCENT OF THE POPULATION.

TM RESPECT FOR CIVIL AND POLITICAL LIBERTIES:  
COLOMBIA HAS LONG BEEN KNOWN AS A COUNTRY IN WHICH  
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CIVIL AND POLITICAL LIBERTIES ENJOY EXTENSIVE SAFEGUARDS, BOTH ON PAPER AND IN PRACTICE. FREEDOM OF SPEECH, PEACEFUL ASSEMBLY, RELIGIOUS BELIEF AND THE PRESS ARE CONSTITUTIONALLY GUARANTEED. WHILE THE CONSTITUTION AUTHORIZES THE PRESIDENT -- WITH THE APPROVAL OF ALL HIS MINISTERS -- TO DECLARE A STATE OF SIEGE IN CASE OF WAR OR INTERNAL DISTURBANCES, IT ALSO STATES THAT EVEN, IN THESE CIRCUMSTANCES, THE GOVERNMENT MAY ONLY SUSPEND NOT REVOKE EXISTING LAWS AND THAT THE CONGRESS SHALL CONTINUE TO FUNCTION. A STATE OF SIEGE HAS BEEN IN FORCE, OFF AND ON, FOR THE LAST 20 YEARS, BUT ITS PRINCIPAL EFFECT HAS BEEN TO MAKE THOSE ACCUSED OF CERTAIN CRIMES SUBJECT TO THE JURISDICTION OF MILITARY RATHER THAN CIVIL COURTS, AND THE BASIC RIGHTS GUARANTEED BY THE CONSTITUTION REMAIN ESSENTIALLY UNDIMINISHED. ON SEPT 6, HOWEVER, THE GOC PROMULGATED A NEW SECURITY STATUTE, UNDER WHICH, INTER ALIA, IT WOULD BE ABLE TO CONTROL RADIO AND T.V. BROADCASTS OF COMMUNICATIONS OR COMMENTARIES RELATING TO PUBLIC ORDER QUESTIONS. TRAVEL CONTROLS WITHIN COLOMBIA ARE LIMITED TO AIRPORT AND HIGHWAY DOCUMENT CHECKS AND INSPECTION FOR ALL ILLEGAL ARMS. FOREIGN RESIDENTS SEEKING TO LEAVE THE COUNTRY MUST HAVE AN EXIT PERMIT. COLOMBIAN RESIDENT VISAS ARE VALID FOR ONE YEAR AND ARE, IN EFFECT, WORK PERMITS WHICH MUST BE RENEWED ANNUALLY OR WHEN CHANGING EMPLOYMENT. THE CONSTITUTION CONFERS ON ALL COLOMBIAN CITIZENS OF BOTH SEXES, 21 YEARS OR OLDER, THE RIGHT TO VOTE AND TO HOLD PUBLIC OFFICE. THE EXERCISE OF THIS RIGHT IS RESPECTED BY THE AUTHORITIES, AND ELECTIONS IN COLOMBIA ARE GENERALLY HONEST, THOUGH ABSTENTION IS HIGH (ONLY 30 SOME PERCENT OF THE ELECTORATE VOTED IN THE LAST PRESIDENTIAL ELECTION). THOSE CONVICTED OF CERTAIN CRIMES MAY BE DEPRIVED OF THE VOTE, AND PUBLIC

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EMPLOYEES MAY NOT PARTICIPATE ACTIVELY IN POLITICS.

6. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL

AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS: UNDER BOTH THE ADMINISTRATION OF PRESIDENT TURBAY AND THAT OF HIS PREDECESSOR, HIGH-RANKING OFFICIALS OF THE GOC HAVE GONE ON RECORD AS FAVORING THE INVESTIGATION BY INTERNATIONAL ORGANIZATIONS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS. AT THE SAME TIME, HOWEVER, THEY HAVE CAUTIONED AGAINST INTERFERENCE BY INDIVIDUAL NATIONS IN THE INTERNAL AFFAIRS OF OTHERS. LATIN AMERICAN SOLIDARITY AND ECONOMIC CONSIDERATIONS WEIGH HEAVILY IN DETERMINING THE GOC'S PUBLIC ATTITUDE TOWARD ALLEGED VIOLATION IN

NEIGHBORING COUNTRIES. MOREOVER, COLOMBIAN OFFICIALS HAVE PRIVATELY EXPRESSED THE VIEW THAT VIOLATIONS BY EAST BLOC AND NON-LATIN AMERICAN STATES OF THE THIRD WORLD HAVE OFTEN BEEN OVERLOOKED WHILE SUCH COUNTRIES AS CHILE AND ARGENTINA HAVE BEEN PILLORIED. IT IS ANTICIPATED THAT DIEGO URIBE VARGAS, WHO HAS LONG SHOWN A PERSONAL INTEREST IN HUMAN RIGHTS AND HAS WRITTEN TWO BOOKS ON THE SUBJECT, WILL SHORTLY BE NAMED AS COLOMBIA'S FOREIGN MINISTER.

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## Message Attributes

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